

1-1 By: Carona S.B. No. 686
1-2 (In the Senate - Filed February 23, 2005; March 2, 2005,
1-3 read first time and referred to Committee on Business and Commerce;
1-4 April 6, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 6, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 686 By: Carona

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the regulation of air conditioning and refrigeration
1-11 technicians; providing an administrative penalty.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 1302.002, Occupations Code, is amended
1-14 by adding Subdivisions (5-a), (5-b), and (17) to read as follows:

1-15 (5-a) "Air conditioning and refrigeration technician"
1-16 means a person who assists a licensed air conditioning and
1-17 refrigeration contractor in performing air conditioning and
1-18 refrigeration maintenance work.

1-19 (5-b) "Certified technician" means a registered
1-20 technician who has completed a certification examination.

1-21 (17) "Registered technician" means a technician who is
1-22 registered with the department.

1-23 SECTION 2. Section 1302.101, Occupations Code, is amended
1-24 by adding Subsection (e) to read as follows:

1-25 (e) The department may examine any criminal conviction,
1-26 guilty plea, or deferred adjudication of an applicant for issuance
1-27 or renewal of a license, including by obtaining any criminal
1-28 history record information permitted by law.

1-29 SECTION 3. Section 1302.263, Occupations Code, is amended
1-30 to read as follows:

1-31 Sec. 1302.263. LIMITATION ON LICENSE HOLDER OR REGISTERED
1-32 TECHNICIAN. A person licensed under this chapter may not:

1-33 (1) perform or offer or attempt to perform an act,
1-34 service, or function that is:

1-35 (A) [~~(1)~~] defined as the practice of engineering
1-36 under Chapter 1001, unless the person holds a license under that
1-37 chapter;

1-38 (B) [~~(2)~~] regulated under Chapter 113, Natural
1-39 Resources Code, unless the person holds a license or is exempt by
1-40 rule under that chapter; or

1-41 (C) [~~(3)~~] defined as plumbing under Chapter
1-42 1301, unless the person holds a license under that chapter; or

1-43 (2) use the services of a person who is not a
1-44 registered technician to assist in the performance of air
1-45 conditioning and refrigeration maintenance work.

1-46 SECTION 4. Subsection (a), Section 1302.401, Occupations
1-47 Code, is amended to read as follows:

1-48 (a) A person is subject to the denial of an application, the
1-49 imposition of an administrative penalty under Subchapter F, Chapter
1-50 51, or disciplinary action under Section 51.353 if the person:

1-51 (1) violates this chapter or a rule adopted under this
1-52 chapter; or

1-53 (2) violates [~~is convicted of an offense under~~] a
1-54 municipal ordinance adopted under Section 1302.303.

1-55 SECTION 5. Section 1302.402, Occupations Code, is amended
1-56 to read as follows:

1-57 Sec. 1302.402. ADMINISTRATIVE PROCEDURES. A proceeding for
1-58 the denial of a license or registration application or disciplinary
1-59 action and an appeal from that proceeding are governed by Chapter
1-60 2001, Government Code.

1-61 SECTION 6. Chapter 1302, Occupations Code, is amended by
1-62 adding Subchapter K to read as follows:

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SUBCHAPTER K. AIR CONDITIONING AND REFRIGERATION TECHNICIANS

Sec. 1302.501. REGISTRATION REQUIRED. (a) A person may not act or offer to act as an air conditioning and refrigeration technician unless the person is registered under this subchapter.

(b) A registration is valid throughout the state.

Sec. 1302.502. RULES. The executive director shall adopt rules:

(1) registering technicians as prescribed by this subchapter;

(2) adopting standards of conduct for registered technicians and license holders under this subchapter; and

(3) establishing fees for issuance and renewal of a registration.

Sec. 1302.503. SUPERVISION REQUIREMENTS FOR REGISTRANTS.

(a) An air conditioning and refrigeration technician must be supervised by an air conditioning and refrigeration contractor licensed under this chapter.

(b) A supervising air conditioning and refrigeration contractor shall notify the department in writing not later than the 30th day after the date on which the contractor begins supervising a registered technician.

(c) An air conditioning and refrigeration contractor must notify the department of the name and registration number of any registered technician for whom the contractor provided notice under Subsection (b) that the contractor no longer supervises on each application for renewal of the contractor's license.

Sec. 1302.504. APPLICATION; FEE. (a) An applicant for registration must submit an application on a form prescribed by the executive director.

(b) The completed application must be accompanied by:

(1) the application fee; and

(2) the name and license number of each air conditioning and refrigeration contractor who will supervise the applicant.

Sec. 1302.505. ISSUANCE AND TERM OF REGISTRATION. (a) On receipt of a completed application, the department shall register an applicant who meets the requirements of this subchapter.

(b) A registration is valid for one year from the date of issuance.

Sec. 1302.506. RENEWAL OF REGISTRATION. To renew a registration, a registered technician must:

(1) submit a renewal request on a form prescribed by the executive director;

(2) provide the name and license number of each air conditioning and refrigeration contractor who will supervise the registered technician; and

(3) pay the required renewal fee.

Sec. 1302.507. CERTIFIED TECHNICIAN. A registered technician may be certified by the department and use the designation "certified technician" if the registered technician:

(1) completes an application for certification on a form prescribed by the executive director;

(2) pays the application fee; and

(3) provides the department with proof that the registered technician successfully completed a nationally recognized and administered certification examination or another examination of equal or greater difficulty approved by the department.

SECTION 7. Not later than December 31, 2005, the executive director of the Texas Department of Licensing and Regulation shall adopt rules implementing Subchapter K, Chapter 1302, Occupations Code, as added by this Act.

SECTION 8. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2005.

(b) Sections 1302.501 and 1302.503, Occupations Code, as added by this Act, take effect June 30, 2006.

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